

1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:221. Waterfowl seasons and limits.

5 RELATES TO: KRS 150.010(40), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department
8 to promulgate administrative regulations to establish open seasons for the taking of
9 wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict
10 methods of taking wildlife. KRS 150.600(1) authorizes the department to regulate the
11 taking of waterfowl on public and private land. This administrative regulation establishes
12 requirements for the taking of waterfowl within reasonable limits and within the
13 frameworks established by 50 C.F.R. Parts 20 and 21.

14 Section 1. Definitions. (1) "Dark goose" means a Canada goose, cackling goose, white-
15 fronted goose, or brant.

16 (2) "Light Goose" means a snow goose or Ross's goose.

17 (3) "Light Goose Conservation Order" is defined by 50 C.F.R. 21.60.

18 (4) "Waterfowl" is defined by KRS 150.010(40).

1 Section 2. (1) Except as established in 301 KAR 2:222, 2:225, or 2:226, a person shall not
2 hunt waterfowl except during the seasons established in this administrative regulation.

3 (2) Hunting zones, special hunt areas and reporting areas are established in 301 KAR
4 2:224.

5 Section 3. Season Dates. (1) The duck, coot, and merganser season shall:

6 (a) Begin on Thanksgiving Day for four (4) consecutive days; and

7 (b) Be for fifty-six (56) consecutive days ending on the last Sunday in January of the
8 following year.

9 (2) The dark goose season~~[Canada goose.~~

10 ~~(a) In the Eastern, Pennyrile, and Western Goose Zones, the season shall be from~~
11 ~~Thanksgiving Day through February 15.~~

12 ~~(b) In the Northeast Goose Zone, the season shall be from the third Saturday in~~
13 ~~December through January 31.~~

14 ~~(3) The white-fronted goose and brant season]~~ shall be from Thanksgiving Day through
15 February 15.

16 (3)~~[(4)]~~ The light goose season shall be from Thanksgiving Day through February 15.

17 (4)~~[(5)]~~ The Light Goose Conservation Order season shall be from February 16 through
18 March 31.

19 (5)~~[(6)]~~ A person shall not hunt a light or dark goose in:

20 (a) The areas of Laurel River Lake as posted by sign; or

(b) Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, US 60, and Highway 826.

Section 4. Ballard Zone. (1) In the Ballard Zone, as~~[that is]~~ established in 301 KAR 2:224, a person hunting waterfowl shall:

(a) ~~[Hunt from a blind unless hunting in flooded, standing timber;~~

~~(b)]~~ Not hunt ~~[from]~~ or establish a blind:

1. Within 100 yards of another blind; or

2. Within fifty (50) yards of a property line; and

~~(b)]~~~~(e)]~~ Not possess more than one (1) shotgun while in a blind.

(2) The requirements of subsection (1) of this section shall not apply if the Light Goose Conservation Order, as established in Section 3 of this administrative regulation~~[301 KAR 2:224]~~, is the only waterfowl season open, excluding falconry seasons.

Section 5. Bag and Possession Limits. (1) Ducks. The daily limit shall be six (6), which shall not include more than:

(a) Four (4) mallards;

(b) Two (2) hen mallards;

(c) Three (3) wood ducks;

(d) Two (2) black ducks;

(e) Two (2) redheads;

(f) Two (2) pintails~~[One (1) pintail]~~;

(g) Three (3) scaup;

(h) One (1) mottled duck; or

(i) Two (2) canvasbacks~~[canvasback]~~.

(2) Coot. The daily limit shall be fifteen (15).

(3) Merganser. The daily limit shall be five (5), which shall not include more than two

(2) hooded mergansers.

(4) Dark goose. The daily limit shall be five (5), which shall not include more than:

(a) Three (3) Canada geese or cackling geese, in combination;

(b) Two (2) white-fronted geese; or

(c) One (1) brant.

(5) Light goose. The daily limit shall be twenty (20), except that there shall not be a limit during the Light Goose Conservation Order season.

(6) The possession limit shall be triple the daily limit, except that there shall not be a light goose possession limit.

Section 6. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour before sunrise until:

(1) Sunset, except as established in 301 KAR 2:222; or

(2) One-half (1/2) hour after sunset if hunting light geese~~[goose]~~ during the Light Goose Conservation Order season.

Section 7. Falconry Waterfowl Season and Limits. (1) The light goose season shall be

1 from Thanksgiving Day through February 15.

2 (2) The Light Goose Conservation Order season shall be from February 16 through
3 March 31.

4 (3) The season for all other waterfowl shall be from Thanksgiving Day through February
5 15.

6 (4) The daily limit shall be three (3) waterfowl, except that there shall not be a limit on
7 light geese[goose] during the Light Goose Conservation Order season.

8 (5) The possession limit shall be nine (9) waterfowl, except that there shall not be a
9 possession limit on light geese[goose] during the Light Goose Conservation Order season.

10 Section 8. Permit for the Light Goose Conservation Order season. (1) A person hunting
11 light geese[goose] during the Light Goose Conservation Order season shall first obtain a
12 free permit by completing the online Snow Goose Conservation Order Permit process on
13 the department's Web site at fw.ky.gov.

14 (2) A person hunting light geese[goose] during the Light Goose Conservation Order
15 season shall submit a Snow Goose Conservation Order Permit Survey to the department
16 by April 10.

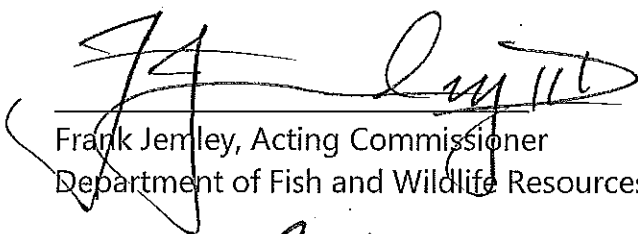
17 Section 9. Incorporation by Reference. (1) The following material is incorporated by
18 reference:

19 (a) "Snow Goose Conservation Order Permit", January 2014; and

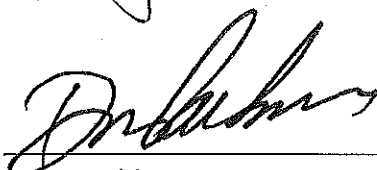
20 (b) "Snow Goose Conservation Order Permit Survey", January 2014.

1 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
2 law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane,
3 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Approved by the Fish and Wildlife Commission



Frank Jemley, Acting Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

Date: 4/11/18

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2018 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through May 31, 2018.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Mark Cramer
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-0506
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:221. Waterfowl seasons and limits.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone: 502-564-3400

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 CFR Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).

(b) The necessity of the administrative regulation: The necessity of this administrative regulation is to establish the 2018-2019 waterfowl hunting seasons in accordance with the USFWS.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land.

(d) How will this administrative regulation assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing hunting season and bag limit requirements and providing reasonable hunting opportunity consistent with state, national, and international management requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This amendment will change the daily bag limit for pintails from one to two birds. This amendment adds cackling geese to the definition of dark geese. The American Ornithologist Union recently separated cackling geese from Canada geese and the USFWS has added cackling geese to their definition of dark goose. The reduced season length for the Northeast goose zone is removed. This amendment also removes the requirement to hunt waterfowl from a blind in the Ballard Zone.

(b) The necessity of the amendment to this administrative regulation: Waterfowl seasons and limits are set on an annual basis following the establishment of federal frameworks by the USFWS each year. It is the Department's responsibility to allow quality hunting opportunity within these federal frameworks. The changes in bag limit for these species

represent the maximum allowed in federal frameworks.

(c) How does the amendment conform to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The current changes in season dates and/or bag limits will be published in the fall waterfowl hunting guide and on the department's website. Hunters will need to follow all applicable amendments to the hunting bag limits.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be an increased opportunity to hunt pintails in the state and the removal of the Northeast goose zone simplifies regulations for goose hunters. The removal of the requirement to hunt from a blind allows hunters and land managers on private and public lands within the zone greater flexibility in the Ballard zone.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will not be an additional cost to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase any fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: This administrative regulation does not establish any fees directly or increase any fees indirectly.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:221. Waterfowl seasons and limits.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Wildlife Division and Law Enforcement Division.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will not generate revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: